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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/143,318	08/28/1998	TAKASHI YAMANAKA	S004-3484	3378

7590

07/19/2002

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EXAMINER

BUDD, MARK OSBORNE

ART UNIT

PAPER NUMBER

2834

DATE MAILED: 07/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

143 318

Applicant(s)

Yamanaka et al

Examiner

M. Budd

Group Art Unit

2834

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- ☒ Responsive to communication(s) filed on 4-29-02
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- ☐ Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement

## Application Papers

- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some\* ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☒ Other Examiners Answer

Office Action Summary

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This is in response to the brief on appeal filed 4/29/02.

**(1) *Real Party in Interest***

A statement identifying the real party in interest is contained in the brief.

**(3) *Status of Claims***

The statement of the status of the claims contained in the brief is correct.

**(4) *Status of Amendments After Final***

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) *Summary of Invention***

The summary of invention contained in the brief is correct.

**(6) *Issues***

The appellant's statement of the issues in the brief is correct.

**(7) *Grouping of Claims***

Appellant's brief includes a statement that claims do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

**(8) *Claims Appealed***

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(9) *Prior Art of Record***

The following is a listing of the prior art of record relied upon in the rejection of claims under appeal.

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5,780,955 Iino et al 7-98

5,770,912 Suzuki et al 6-98

5,247,220 Miyazawa et al 9-93

5,053,669 Saeki et al 10-91

4,562,373 Tokusima et al 12-85

5,172,023 Kawai et al 12-92

**(10) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-8 and 10-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyazawa, Iino or Suzuki in view of Snek, Tokusima or Kawai.

Each of Miyazawa, Iino and Suzuki teach the self-excited vibration motor including a rotor, a stator base, a pressing means and a drive circuit. They do not explicitly teach providing electrical insulation to e.g. protect workers or within the skill expected of the routineer. Each of Saeki, Tokusima and Kawai teach it is well known to provide piezoelectric ultrasonic motors with various parts formed of insulating material, including rotors, stators and pressing members. Thus, to provide parts of Miyazawa, Iino, or Suzuki as insulating materials would have been obvious to one ordinary skill in the art.


**(11) Response to Argument**

Regarding applicants comments it is noted that the claimed device makes no reference to low power or any specific electronic component: thus shock elimination could clearly be a

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motivation for providing insulation to the claimed combination of elements. That the motor will be 'unstable' without some kind of electrical insulation was self-revealed in the acknowledged prior art: see applicants specification pages 1 and 2. So, that electric insulation/isolation is a given. Thus, the only question is how or where to provide the break in the current path. The acknowledged prior art provided a layer of insulation or an insulating motor housing. The prior art also clearly teaches making various parts of the ultrasonic motor itself of insulating materials. Here a need for electric isolation is known and on the shelf is a known motor that incorporates electric isolation. Why would one of ordinary skill in the art ignore this common knowledge? Given the fact that insulation is necessary or desirable, it would have been obvious to one of ordinary skill in the art to provide it in any appropriate form and/or location. For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

  
MARK O. BUDD  
PRIMARY EXAMINER  
ART UNIT 212

December 6, 2001

Conferees

N. Ramirez

NR

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A. Grimley *A. J. Z.*

Budd/ek

07/12/02